



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,987	11/30/2000	Magnus Hollstrom	47253-00014	2119

7590 01/13/2005

Richard J. Moura, Esq.
Jenkins and Gilchrist, P.C.
3200 Fountain Place
1445 Ross Ave.
Dallas, TX 75202

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/726,987	Applicant(s) HOLLSTROM ET AL.	
	Examiner SIMON D NGUYEN	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 10/1/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-28 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 10. See MPEP § 608.01(n). Accordingly, the claim 11 not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 12-15, 18-19, 21-22, 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Saarela et al. (6,366,785).

Regarding claim 1, Saarela discloses a method of playing back audio signals in a first communications device, transmitting the audio signals to a second communication device, and playing back the audio signals in the second communication device (column 3 line 18 to column 4 line 50), wherein the audio signals is played back (replay) in the first communication device (abstract, column 4 lines 4-5), wherein the playing back of the audio signals in other communication device occurs simultaneously (directly) with

Art Unit: 2685

the playing back of the audio signals in the first communication device (column 1 lines 41-54).

Regarding claims 12-13, these claims are rejected for the same reason as set forth in claim 1.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 1, wherein an accessory device (document outbox) plays back audio signals (recorded voice signals) and transmits to other telephone (figs. 1, 2, column 3 lines 40-67).

Regarding claims 2-3, 14, Saarela further discloses the first communication device is a mobile telephone (cellular) and the second communication device is a telephone (fig. 1).

Regarding claim 15, Saarela further discloses the communication device is adapted for use in a public network (column 3 lines 21-22).

Regarding claim 19, Saarela discloses the public network comprises a GSM network (column 3 line 51).

Regarding claims 21-22, Saarela discloses the public network is a GSM network (column 2 line 10) and a digital network (column 4 lines 12-14). However, Saarela does not specifically disclose the public network as an enhanced data rates of GSM (EDGE) and a WCDMA. It should be noted that the GSM of Saarela can be modified to become an EDGE network and the GSM is either a CDMA or a Wide CDMA. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to

Art Unit: 2685

convert the Saarela system into the EDGE and WCDMA to handle different data rates of digital audio signals in order to improve the system performance.

Regarding claims 25-28, Saarela system discloses the first and second devices simultaneously play the same audio signal (column 1 lines 41-54).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Segal et al. (6,167,251).

Regarding claim 4, 9, Saarela discloses the step of establishing a connection through the network between the first and second device and transmitting the audio signals to the second device (fig.1). However, Saarela does not specifically disclose the steps of establishing a conversation prior to transmitting the audio signals.

Segal discloses the steps of establishing a call conversation between the server and the mobile phone (second device) (column 12 lines 13-25), and transmitting audio signals to the second device and wherein the audio signals are transmitted from the network (base station) to the communication device (fig.29, column 30 lines 15-37). Therefore, it would have been obvious to one skilled in the art at the time the invention

Art Unit: 2685

was made to have Saarela, modified by Segal to combine audio signals and voice signals in one channel in order to transmit voice and audio signals simultaneously.

Regarding claims 5-7, the modified Saarela system, Saarela discloses a voice channel (column 1 lines 58-60) and a data channel (column 2 lines 4-9), and Segal discloses voice mixed with audio signals (column 16 lines 1-8, column 32 lines 24-30).

Regarding claim 8, Saarela discloses the voice signal transmitted by a voice channel (column 3 lines 55-57) and the audio signal by a data channel (signaling channel)(column 3 lines 58-60, column 4 lines 31-31).

6. Claims 16-17, 20, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Schuster et al. (6,446,127).

Regarding claims 16, 20, 23-24, the Saarela system does not specifically disclose the communication device is adapted to use in a wireless short range, as bluetooth, infrared, and in a GPRS network.

Schuster, in the same kind of invention, discloses the communication device is adapted to use in a wireless short range as a Bluetooth, and an infrared (column 7 lines 33-43), and being used in a packet network (column 14 lines 5-36) as a GPRS.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have the Saarela system, modified by Schuster to implement a short-range transceiver with a packet network in order to improve the system performance without significantly increasing cost of the telephone.

Regarding claim 17, Saarela discloses the audio signal (recorded message) integrated in the communication device (fig.1, column 3 lines 38-60).

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela et al. (6,366,785) in view of Segal et al. (6,167,251) as applied to claim 9, and further in view of Abecassis et al. (6,192,340).

Regarding claim 10, Saarela discloses the audio signals are digitized (column 3 lines 26-27), Segal discloses the audio signals used in MP3. However, the modified Saarela system does not specifically disclose that the audio signals are compressed.

Abecassis discloses a playback audio communication system in which audio signal is digitized and compressed in a MP3 format (column 5 line 40, column 7 line 32). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified Saarela system, modified by Abecassis in order to store double or triple audio data than in the same uncompressed storage area.

Response to Arguments

8. Applicant's arguments filed 10/1/04 have been fully considered but they are not persuasive.

Reviewing the previous Office Action and the prior art of Saarela coming up with a conclusion that Saarela teaches the limitations argued in Remarks: first, Examiner missed reading the prior art of Saarela in the previous Office Action that led to the conclusion that Saarela failed to teach the step of playing back audio signals in the first

Art Unit: 2685

communication device. Secondly, after carefully reviewing the prior art of Saarela, Saarela alone, indeed, teaches the first communication device plays back audio signal (replay or transmission of recorded message) as cited in the claim's rejection above (see abstract, column 4 lines 4-5) and wherein Saarela also teach the playing back of the audio signals in the second communication device occurs simultaneously (directly) with the playing back of the audio signal in the first communication device (column 1 lines 41-54).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2685

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

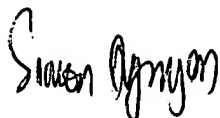
Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

January 6, 2005

A handwritten signature in black ink, appearing to read "Simon Nguyen", is written below the typed name.